



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20235

F/M411:UBD

JUN - 6 1985

TO: F - William G. Gordon

THRU: *for* F/M4 - R. B. Brumsted

FROM: F/M41 - Charles Karnella

Kenneth R. Roberts
C. Karnella

SUBJECT: Report on the Application of Sea World, Inc., 1720 South Shores Road, San Diego, California 92109, for a Public Display Permit under the Provisions of Section 101(a)(1) of the Marine Mammal Protection Act of 1972 (P2P)

Chronology of Processing:

March 18, 1985 - Application received
March 21, 1985 - Additional information requested
April 1, 1985 - Application complete
April 10, 1985 - Application forwarded to Marine Mammal Commission
April 17, 1985 - Federal Register Notice of Receipt published
April 23, 1985 - MMC requested additional information
April 24, 1985 - Application complete at MMC
May 16, 1985 - Close of public record
May 16, 1985 - Comments received from MMC

Summary of Application:

The applicant seeks an application to import six false killer whales (Pseudorca crassidens) from Japan for public display.

Comments:

Marine Mammal Commission - The Commission recommends approval of this application to obtain, transport, import, and maintain six (6) false killer whales (Pseudorca crassidens), as described in the application, for purposes of public display. In making this recommendation, the Commission noted that, according to the application, the animals to be imported are collected in Japan in a lawful and humane manner, and are not nursing, pregnant, or under eight months of age at the time of take. In this regard, the Commission recommends that the lower length limit of animals to be collected be raised from approximately 300 cm., as indicated in the application, to between 325-350 cm., to ensure that unweaned calves are not taken.

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F/M411	R. C. Gordon	5/1/85			
F/M411	U. B. Brumsted	5/1/85			

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The Commission feels that there would be no significant adverse impact upon the affected population or the ecosystem of which it is a part as a result of the activities for which it has recommended approval.

F/NER - The Northeast Region reviewed the application and had no objection to the issuance of the Permit.

F/SER - The Southeast Region reviewed the application and had no objection to issuance of a permit.

F/SWR - The Southwest Region reviewed the application and recommended approval subject to the following condition:

The applicant must contact the Regional Director, F/SWR, by telephone at least 48 hours prior to the importation of the authorized animals.

Public - A letter was received from MONITOR expressing concerns regarding longevity, display arrangements, breeding in captivity, captive techniques and selection of animals.

Enforcement Policy:

Since there are no pending enforcement actions against the Applicant or other individuals listed in the Application, the enforcement policy does not apply.

NEPA:

It was determined that issuance of this Permit will not have a significant effect on the human environment and is therefore exempt from the preparation of an Environmental Assessment or Environmental Impact Statement (NOAA Directive Manual 02-10 Environmental Review Procedures, 49 FR 29647, para. 5.c.(3)(g)).

Importation Prohibitions:

The proposed importation must be carried out in accordance with criteria set forth in Section 216.2(c) of the regulations. The Applicant has been reminded of these importation restrictions in the cover letter to the permit.

ESA:

The requested species is not deemed threatened or endangered under the ESA, nor is it listed as depleted under the MMPA.

CITES:

The species is listed on Appendix II of the Convention. The Applicant and Collector has been made aware of the need to obtain the required import certificate.

Discussion and Recommendation:

The Marine Mammal Commission's recommendation on raising the minimum length has been made a part of the Permit. However, we have requested that future recommendations of this nature include the reference used as a basis. The Southwest Region's recommendations has been made a part of the permit.

The questions expressed regarding longevity in captivity, display arrangements, and breeding in captivity are not relevant to the review procedure of a permit application. A letter (see attachment) has been sent to MONITOR addressing their questions.

The proposed taking is consistent with the purposes and policies of the Act. The display will constitute a substantial public benefit in view of the projected number of annual visitors and educational programs associated with the displays. No significant adverse impact is anticipated on the involved species or on the marine ecosystem as a result of the proposed taking. In view of the foregoing, I recommend that you approve the request for a permit.

Attachments